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EXAMINER	
FOWLKES, ANDRE R	

ART UNIT	PAPER NUMBER
2192	

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/843,199	VERES ET AL.	
	Examiner	Art Unit	
	Andre R. Fowlkes	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *9/21/06*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,5,8-10,35-40,42 and 53* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1, 5, 8-10, 35-40, 42 & 53* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/21/06 has been entered.

2. Claims 1, 5, 8-10, 35-40, 42 & 53 are pending. Claims 1 and 35 have been amended. New claim 53 has been added.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 1, 5, 8-10, 35-40 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over London Shrader et al., (London Shrader), U.S. Patent No. 5,870,611 in view of Yinger et al., (Yinger), U.S. Patent No. 5,960,204 (art made of record).

As per claim 1, London Shrader discloses **a system for managing application installation operations, a method of communicating with an application,** (col. 1:18-21, "This invention relates generally to electronic distribution of software in computer networks. More particularly, the invention relates to defining and constructing a proposed plan object for installing the software on the network"), **comprising:**

- receiving from the application a call to set a property related to performing an application installation operation, wherein the application installation operation is a downsize operation (col. 7:21-30, "The Installation, Configuration, Removal or Reinstallation commands attributes 106-112 provide the means to process the application-in-plan object on the workstation-in-plan objects in the workstation group-in-plan object in the Plan object. These attributes (i.e. properties) help to uniquely identify the application from other applications and to specify the commands to execute for the specified action, e.g., installation or configuration The action type attribute 114 denotes the type of processing for this application, i.e. install, configure, remove, reinstall, or maintenance system using their respective commands", and col. 7:28-30, "The action type attribute 114 denotes the type of processing for this application, i.e. install, configure, remove (i.e. downsize/uninstall), reinstall, or maintenance"),

- further wherein the downsize operation comprises one of removing non-essential data and removing data that can be recreated from another source (col. 11:47-67, "The DELETE RSP FILE routine (i.e. downsize operation comprising removing non-essential data). This routine depicts the processing

flow that occurs when the administrator tries to delete a RspFile from the network installation program. The routine begins with entry routine block 700 and continues to decision block 705 where the parent of the RspFile object is checked to see if it is a Cat object. If the parent is not a Cat object, it must be a CatIP object and processing continues to decision block 710 where the CatIP object is queried to determine if the Response File Required attribute flag is set. If this flag not set, the RspFile is deleted (i.e. non-essential data is removed) in step 745 and the routine ends in return block 750. However, if the flag was set, the network installation program will post an error message in step 740 indicating that the RspFile object cannot be deleted because it is required. Afterwards, the routine ends in return block 750. If the parent object is a Cat object in decision block 705, processing continues to decision block 715 where the default response file attribute 320 of the Cat object is checked to see if it matches the real file name of the RspFile object. If the file names do not match, the RspFile object is deleted in step 745, and the routine ends in return block 750", and col. 7:28-30, "The action type attribute 114 denotes the type of processing for this application, i.e. install, configure, remove (i.e. downsize/uninstall data that can be recreated from another source), reinstall (i.e. reinstalling data that can be recreated from another source), or maintenance"),

- receiving from the application a call to initialize the application installation operation (col. 7:21-30, "The Installation, Configuration, Removal or Reinstallation commands attributes 106-112 provide the means to process the application-in-plan object on the workstation-in-plan objects in the workstation

group-in-plan object in the Plan object. These attributes help to uniquely identify the application from other applications and to specify the commands to execute (i.e. initialize) for the specified action, e.g., installation or configuration The action type attribute 114 denotes the type of processing for this application, i.e. install, configure, remove, reinstall, or maintenance system using their respective commands", and col. 5:53-54, "procedures which (initialize an application installation operation and continue to) track the current state of installation"),

- receiving from the application a call to finalize the application installation operation (col. 7:21-30, "The Installation, Configuration, Removal or Reinstallation commands attributes 106-112 provide the means to process the application-in-plan object on the workstation-in-plan objects in the workstation group-in-plan object in the Plan object. These attributes help to uniquely identify the application from other applications and to specify the commands to execute (i.e. finalize) for the specified action, e.g., installation or configuration The action type attribute 114 denotes the type of processing for this application, i.e. install, configure, remove, reinstall, or maintenance system using their respective commands", and col. 5:53-54, "procedures which (finalize an application installation operation and report) .. the current state of installation").

London Shrader doesn't explicitly disclose that **if the application installation operation is not executed successfully by the application, receiving a call to abort the application installation operation.**

However, Yinger, in an analogous environment, discloses that **if the application installation operation is not executed successfully by the application, receiving a call to abort the application installation operation** (col. 12:26-31, "The loading subprocess determines 935 whether the installation of the application module or the current version of the application module was successful. If the installation was unsuccessful, the installation is canceled 955 and a cancel flag is returned 965 to the process step calling for the execution of the application module").

Therefore, it would have been obvious to a person of ordinary skill in the art, at the time the invention was made, to incorporate the teachings of Yinger into the system of London Shrader to **receive a call to abort the application installation operation if the application installation operation is not executed successfully by the application.** The modification would have been obvious because one of ordinary skill in the art would have wanted to avoid an unstable or uncertain state by avoiding calls to an unsuccessfully installed program.

As per claim 5, the rejection of claim 1 is incorporated, and further London Shrader discloses that **said call to initialize the application installation operation is InitializeDownsize, and said call to finalize the application installation operation is FinalizeDownsize** (col. 7:28-30, "The action type attribute 114 denotes the type of processing for this application, i.e. install, configure, remove (i.e. downsize/uninstall), reinstall, or maintenance". The

London Shrader system performs the functionality of this claim. The examiner notes that claiming a specific name for this exhibited functionality is non-functional descriptive material. Merely claiming Non-functional descriptive material does not make this claim patentable).

As per claim 8, the rejection of claim 1 is incorporated, and further London Shrader discloses **receiving a call from the application to get a property related to performing an application installation operation** (col. 5:25-28, "A response file is a flat ASCII file that contains a set of responses to a corresponding set of questions (i.e. get property calls) asked by the program during the installation and/or configuration process.").

As per claim 9, the rejection of claim 1 is incorporated, and further London Shrader discloses that **said call to set a property is SetProperty** (col. 7:28-30, "The action type attribute 114 denotes the type of processing for this application, i.e. install, configure (i.e. set property), remove (i.e. downsize/uninstall), reinstall, or maintenance". The London Shrader system performs the functionality of this claim. The examiner notes that claiming a specific name for this exhibited functionality is non-functional descriptive material. Merely claiming Non-functional descriptive material does not make this claim patentable).

As per claim 10, this is a computer readable medium/product version of the claimed method discussed above, in claim 1, wherein all claimed limitations

have also been addressed and/or cited as set forth above. Additionally, such a product is deemed to be inherent in the system; otherwise, it would be inoperative.

As per claim 35, this is another method version of the claimed method discussed above, in claim 1, wherein all claimed limitations have also been addressed and/or cited as set forth above. For example, see the London Shrader/Yinger system (e.g. London Shrader col. 15:60-18:25 & Yinger col. 12:26-31).

As per claim 36, the rejection of claim 35 is incorporated, and further London Shrader discloses that **said call to set a property is SetProperty** (col. 7:28-30, "The action type attribute 114 denotes the type of processing for this application, i.e. install, configure (i.e. set property), remove (i.e. downsize/uninstall), reinstall, or maintenance". The London Shrader system performs the functionality of this claim. The examiner notes that claiming a specific name for this exhibited functionality is non-functional descriptive material. Merely claiming Non-functional descriptive material does not make this claim patentable).

As per claim 37, the rejection of claim 35 is incorporated, and further London Shrader discloses that **said call to SetProperty includes a parameter identifying APP_PROPERTY_GUID as the property that is being set** (col.

6:41-43, "The Group Container (i.e. a group of workstations belonging to a entity) 54 is used to hold one or more workstation Group objects (and their properties)").

As per claim 38, the rejection of claim 37 is incorporated, and further London Shrader discloses that **said call to SetProperty has a further parameter for pointing to a GUID for identifying the application that is the object of the downsize operation** (col. 7:16-18, "The Short Name attribute 102 is used to uniquely identify the object (i.e. a GUID) within the Network Installation Program.").

As per claim 39, the rejection of claim 35 is incorporated, and further London Shrader discloses that **said call to initialize the application downsize operation is InitializeUnInstall** (col. 7:28-30, "The action type attribute 114 denotes the type of processing for this application, i.e. install, configure, remove (i.e. downsize/uninstall), reinstall, or maintenance". The London Shrader system performs the functionality of this claim. The examiner notes that claiming a specific name for this exhibited functionality is non-functional descriptive material. Merely claiming Non-functional descriptive material does not make this claim patentable).

As per claim 40, the rejection of claim 35 is incorporated, and further London Shrader discloses that **said call to finalize the application downsize operation is FinalizeUnInstall** (col. 7:28-30, "The action type attribute 114

denotes the type of processing for this application, i.e. install, configure, remove (i.e. downsize/uninstall), reinstall, or maintenance". The London Shrader system performs the functionality of this claim. The examiner notes that claiming a specific name for this exhibited functionality is non-functional descriptive material. Merely claiming Non-functional descriptive material does not make this claim patentable).

As per claim 42, this is a computer readable medium/product version of the claimed method discussed above, in claim 1, wherein all claimed limitations have also been addressed and/or cited as set forth above. Additionally, such a product is deemed to be inherent in the system, otherwise, it would be inoperative.

As per claim 53, the rejection of claim 1 is incorporated, and further London Shrader discloses that **non-essential data comprises data which is not necessary for the normal operation of an application program** (col. 11:47-67, "The DELETE RSP FILE routine is shown in FIG. 10. This routine depicts the processing flow that occurs when the administrator tries to delete a RspFile from the network installation program. The routine begins with entry routine block 700 and continues to decision block 705 where the parent of the RspFile object is checked to see if it is a Cat object. If the parent is not a Cat object, it must be a CatIP object and processing continues to decision block 710 where the CatIP object is queried to determine if the Response File Required

attribute flag is set. If this flag not set, the RspFile is deleted (i.e. non-essential data, not necessary for the normal operation of an application program, is deleted) in step 745 and the routine ends in return block 750. However, if the flag was set, the network installation program will post an error message in step 740 indicating that the RspFile object cannot be deleted because it is required. Afterwards, the routine ends in return block 750. If the parent object is a Cat object in decision block 705, processing continues to decision block 715 where the default response file attribute 320 of the Cat object is checked to see if it matches the real file name of the RspFile object. If the file names do not match, the RspFile object is deleted in step 745, and the routine ends in return block 750").

Response to Arguments

5. Applicants arguments have been considered but they are not persuasive.

In the remarks, the applicant has argued substantially that:

1) The cited art does not disclose a downsize operation comprising one of removing non-essential data and removing data that can be recreated from another source, at p. 8:14-16.

Examiner's response:

1) The examiner disagrees with applicant's characterization of the applied art. The cited art does disclose a downsize operation comprising one of

removing non-essential data and removing data that can be recreated from another source at, col. 11:47-67, "The DELETE RSP FILE routine (i.e. downsize operation comprising removing non-essential data). This routine depicts the processing flow that occurs when the administrator tries to delete a RspFile from the network installation program. The routine begins with entry routine block 700 and continues to decision block 705 where the parent of the RspFile object is checked to see if it is a Cat object. If the parent is not a Cat object, it must be a CatIP object and processing continues to decision block 710 where the CatIP object is queried to determine if the Response File Required attribute flag is set. If this flag not set, the RspFile is deleted (i.e. non-essential data is removed) in step 745 and the routine ends in return block 750. However, if the flag was set, the network installation program will post an error message in step 740 indicating that the RspFile object cannot be deleted because it is required (i.e. essential). Afterwards, the routine ends in return block 750. If the parent object is a Cat object in decision block 705, processing continues to decision block 715 where the default response file attribute 320 of the Cat object is checked to see if it matches the real file name of the RspFile object. If the file names do not match, the RspFile object is deleted in step 745, and the routine ends in return block 750", and col. 7:28-30, "The action type attribute 114 denotes the type of processing for this application, i.e. install, configure, remove (i.e. downsize/uninstall data that can be recreated from another source), reinstall (i.e. reinstalling data that can be recreated from another source), or maintenance."

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre R. Fowlkes whose telephone number is (571) 272-3697. The examiner can normally be reached on Monday - Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on (571)272-3695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TUAN DAM
SUPERVISORY PATENT EXAMINER

ARF